

## CLAIMS: THE CASE OF ROBERT H. MAY

*Protocol signed at Washington May 10, 1900, supplementing agreement of February 23, 1900*

*Entered into force May 10, 1900*

*Terminated upon fulfillment of its terms*<sup>1</sup>

Treaty Series 151

### SUPPLEMENTAL PROTOCOL

Whereas, a protocol was signed at Washington, February 23, 1900,<sup>2</sup> between the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala for submission to an arbitrator of certain issues involved in the claim and counterclaim of Robert H. May and Guatemala, as specified in said protocol; and

Whereas, it is stipulated in Article II of said protocol as follows, to wit:

“That within thirty days from the date of the signing of this protocol, each party shall furnish to the other and to the arbitrator a copy of the memorial on which its own claim is based; and within ninety days after such signing each Government shall furnish to the other and to the arbitrator copies of all the documents, papers, accounts, official correspondence and other evidence on file at their respective Foreign Offices relating to these claims, and of all affidavits of their respective witnesses relating thereto: Provided, that said arbitrator may request either Government to furnish such additional proof as he may deem necessary in the interests of justice, and each Government agrees to comply with said request as far as possible; but he shall not for such purpose delay his decision”; and

Whereas, it is stipulated by Article III, of said protocol as follows, to wit:

“That each Government by its counsel, and said May by his attorney, may severally submit to said arbitrator an argument in writing touching the questions involved within sixty days from the date limited for the submission of the evidence; but the arbitrator shall not for such purpose nor in any event delay his decision beyond four months from the date of the submission to him of the evidence aforesaid”;

Whereas, it is stipulated by Article IV of said protocol, as follows, to wit:

“It shall be the duty of said arbitrator to decide both cases upon such evidence as may have been filed before him and solely upon the issues of law and fact presented by claim and counterclaim and upon the consideration of

<sup>1</sup> See footnote 2, *ante*, p. 473.

<sup>2</sup> TS 150, *ante*, p. 473.

said entire controversy, he shall render an award in favor of the party entitled thereto; which shall not exceed the amount claimed by said party as shown by the evidence, and interest thereon from the time said sums were due until the date of the award, and said award shall bear six per cent. interest from said date until paid."

It is agreed between the two Governments that said Article II be, and the same is hereby, amended to read as follows, to wit:—

"That within ninety days from the date of the signing of the original protocol each party shall have furnished to the arbitrator and to the other a copy of the memorial on which its own claim is based; and within one hundred and fifty days after such signing each Government shall furnish to the arbitrator and to the other copies of all the documents, papers, accounts, official correspondence and other evidence on file at their respective Foreign offices relating to these claims, and of all affidavits of their respective witnesses relating thereto: Provided, that said arbitrator may request either Government to furnish such additional proof as he may deem necessary in the interests of justice, and each Government agrees to comply with said request as far as possible."

It is agreed that said Article III, be, and it is hereby, amended to read as follows, to wit:

"That each Government by its counsel, and said May by his attorney, may severally submit to said arbitrator an argument in writing touching the questions involved within ninety days from the date limited for the submission of the evidence; but the arbitrator shall not for such purpose nor in any event delay his decision beyond six months from the date of the submission to him of the evidence aforesaid."

It is agreed that said Article IV be, and it is hereby amended to read as follows:

"It shall be the duty of said arbitrator to decide both cases upon such evidence as may have been filed before him and solely upon the issues of law and fact presented by the claim and counterclaim and upon the consideration of said entire controversy, he shall render an award in favor of the party entitled thereto; which shall not exceed the amount claimed by said party and interest at the rate of six per cent, per annum thereon from the time said sums were due until the date of the award, and said award shall bear six per cent interest per annum from said date until paid."

Done in duplicate in English and Spanish at Washington this 10th day of May, 1900.

JOHN HAY  
ANTO. LAZO ARRIAGA